

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NEPTUNE TECHNOLOGIES &)
BIORESSOURCES, INC.,)
)
Plaintiff,)
)
v.) C.A. No. 11-895-GMS
)
ENZYMOTEC LIMITED, ENZYMOTEC USA,)
INC., MERCOLA.COM HEALTH RESOURCES,)
LLC and AZANTIS INC.)
)
Defendants.)

**STIPULATION BETWEEN PLAINTIFF AND DEFENDANT AZANTIS INC.
AND [PROPOSED] ORDER OF DISMISSAL**

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiff Neptune Technologies & Bioresources, Inc. (“Neptune”) and Defendant Azantis Inc. (“Azantis”), hereby stipulate and agree that Neptune’s claims against Azantis in the above-captioned action shall be dismissed with prejudice.

The parties stipulate that this dismissal is without prejudice to Azantis’s right to assert any and all defenses, claims, and counterclaims if Neptune later accuses Azantis, current Azantis Affiliates (defined below), any newly created affiliate of Azantis resulting from a corporate restructuring, or any of Azantis’s past, present, and future direct and indirect customers, developers, vendors, distributors, manufacturers or encapsulators, users and purchasers of products, employees, Board members and providers of logistics, importation, and sales services and suppliers of infringing any existing or future patent owned or controlled by Neptune or its successors anywhere in the world having U.S. Provisional Patent Application No. 60/307,842 filed July 27, 2001 and International PCT Patent Application PCT/CA2002/001185 (W0/2003/011873) filed July 29, 2002 as ancestors, including all foreign counterparts,

continuations, continuations in part, and divisions of any such patents (all such patents referred to collectively as the “the ‘348 patent family”). Neither Azantis nor any other entity that controls, is controlled by, or is under common control with Azantis (“Azantis Affiliate”) shall seek to initiate or participate in any post-grant proceedings of any patents in the ‘348 patent family, or otherwise challenge the validity of any patents in the ‘348 patent family, or assist others in doing so, unless Neptune later accuses Azantis and/or a Azantis Affiliate of infringement of any patent right in the ‘348 patent family.

This stipulation is between only Neptune and Azantis, and the order of dismissal relates only to those parties.

The parties request that upon entry of this stipulation and order of dismissal, all pending motions between Neptune and Azantis be denied as moot.

Neptune and Azantis shall each bear its own costs and attorneys’ fees incurred in connection with this action.

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IT IS SO ORDERED this 29th day of

July, 2014.
The Honorable Gregory M. Sleet